

DeWine	Jeffords	Pryor
Dodd	Johnson	Reed
Dole	Kennedy	Reid
Domenici	Kohl	Roberts
Dorgan	Kyl	Rockefeller
Durbin	Landrieu	Santorum
Ensign	Lautenberg	Sarbanes
Enzi	Leahy	Schumer
Feingold	Levin	Sessions
Feinstein	Lincoln	Shelby
Fitzgerald	Lott	Smith
Frist	Lugar	Snowe
Graham (SC)	McCain	Specter
Grassley	McConnell	Stabenow
Hagel	Mikulski	Stevens
Harkin	Miller	Sununu
Hatch	Murkowski	Talent
Hollings	Murray	Thomas
Hutchison	Nelson (FL)	Voinovich
Inhofe	Nelson (NE)	Warner
Inouye	Nickles	Wyden

## NOT VOTING—7

Bond	Graham (FL)	Lieberman
Bunning	Gregg	
Edwards	Kerry	

The nomination was confirmed.

The PRESIDING OFFICER. Under the previous order, the motion to reconsider has been laid upon the table. The President shall be immediately notified of the Senate's action.

## LEGISLATIVE SESSION

The PRESIDING OFFICER. Under the previous order, the Senate will return to legislative session.

The Senator from Ohio.

## DISTRICT OF COLUMBIA APPROPRIATIONS ACT, 2004—Continued

## AMENDMENT NO. 1787, AS MODIFIED

Mr. DEWINE. Mr. President, in regard to the Feinstein amendment, the yeas and nays have been ordered.

I ask unanimous consent that order be vitiated.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

The question is on agreeing to the amendment.

The amendment (No. 1787), as modified, was agreed to.

## MAKING CONTINUING APPROPRIATIONS FOR THE FISCAL YEAR 2004

Mr. DEWINE. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of H.J. Res. 69, the continuing resolution, which is at the desk; provided further that the resolution be read a third time and passed, and the motion to reconsider be laid upon the table.

Mr. REID. No objection.

The PRESIDING OFFICER. Without objection, it is so ordered.

The joint resolution (H.J. Res. 69) was read the third time and passed.

Mr. REID. I move to reconsider the vote, and I move to lay that motion on the table.

The motion to lay on the table was agreed to.

The PRESIDING OFFICER. The Senator from Louisiana.

## DISTRICT OF COLUMBIA APPROPRIATIONS ACT, 2004—Continued

Ms. LANDRIEU. Mr. President, I thank the leadership on both sides for allowing us the opportunity to get back to the DC appropriations bill, a bill Senator DEWINE and I have worked very hard on over the last, actually, several months. We are very proud of so many portions of this bill that do such good work for the District, and do so in conjunction with the leadership of the District and the residents of the District. So we are thankful that as it has worked out today, we can actually get back on this bill.

It is my hope, and I think the chairman of this committee shares this goal, since there are a couple of points in this bill that warrant further debate, the most obvious one being the issue of education improvement in the District of Columbia, it would be my idea, and I hope it is shared by my colleagues and even on the other side, that we give as much time to this debate as possible because it is a very important issue, not just for the District but for the whole Nation. As a public policy, we would be hard pressed to find a public policy that is more important right now, other than, of course, national defense and homeland security. I think we all agree the challenge to our public education system is one that continues to warrant our attention.

Tonight it is my intention, and Senator DEWINE understands, to speak for a minute about an amendment Senator CARPER and I want to lay down at some time, and to talk in detail about what that amendment is. He and I are prepared to talk for maybe an hour about the details of it.

I understand there are other Members who might want to speak tonight. We have no intention, obviously, of having the vote tonight or tomorrow, but we hope next week to proceed with some voting on this very important bill.

The way I would like to start, just for a few moments, though, is to say the reason our amendment would be necessary and other amendments would be warranted is because the debate will show the publicly stated goals, however laudable—and we have read those goals in the newspaper, we have read them in press releases, we have heard the goals stated by the voucher proponents, that the aim of this is to help children in failing schools, poor children in failing schools have options—this debate will show the bill itself does not actually do that. Even with the Feinstein amendment, the bill does not do that.

There is another really puzzling aspect to this. I want to submit something for the record to show why I will say it is puzzling. We received today the Statement of Administration Policy. I would like to read it for the record and then explain why it is confusing. This is the Statement of Administration Policy that was issued

today on the DC bill. This policy, not from the House but from the White House, says this: We like the DC bill, basically. I am paraphrasing the first part. The administration looks forward to working with Congress to ensure its priorities and amounts of money are within the overall budget goal.

Additional Administration views regarding the Committee's version of the bill are, [No. 1], School Choice Incentive Fund.

The Administration is pleased the Committee bill included \$13 million for the President's School Choice Incentive Fund. This innovative reform will increase the capacity of the District to provide parents—particularly low-income parents—with more options for obtaining a quality education for their children who are trapped in low-performing schools. The Administration appreciates the Committee's support for strengthening the District's school system and strongly urges the Senate to retain this initiative.

The puzzling thing about this is the White House has said they support the Mayor's position. The Mayor was on the floor today. Mayor Williams is one of the most honorable people I know. He is a reformer for public education. But I don't know if the White House realizes that is not the Mayor's position.

The Mayor's position is a three-pronged approach: A third for vouchers, a third for charter schools, and a third for improvements to public schools. That is because the Mayor has suggested that vouchers-only is insufficient, and the Mayor has also said some other things about the voucher-only proposal. So I just lay this down.

I ask the chairman if perhaps he could get to the bottom of this. I don't know why the White House wouldn't say we understand the Senate bill has three clear sections on this issue. We like all those sections. We ask you to keep them all in the bill. But it doesn't say that.

I am going to have this printed in the RECORD. That is why we are going to have a lot of debate on this, because we have to get clear what the administration is really asking for or advocating.

I ask unanimous consent to print the Statement of Administration Policy in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

EXECUTIVE OFFICE OF THE PRESIDENT, OFFICE OF MANAGEMENT AND BUDGET,

Washington, DC, September 24, 2003.

STATEMENT OF ADMINISTRATION POLICY  
(This statement has been coordinated by OMB with the concerned agencies.)

S. 1583—DISTRICT OF COLUMBIA APPROPRIATIONS BILL, FY 2004

(Sponsors: Stevens (R), Alaska; Byrd (D), West Virginia)

The Administration supports Senate passage of the FY 2004 District of Columbia Appropriations Bill, as reported by the Appropriations Committee.

While this bill exceeds the President's request by \$145 million, the Administration looks forward to working with the Congress to ensure that the FY 2004 appropriations bills ultimately fit within the top line funding level agreed to by both the Administration and the Congress. The President supports a discretionary spending total of \$785.6

billion, along with advance appropriations for FY 2005—consistent with his Budget and the FY 2004 Congressional Budget Resolution. Only within such a fiscal environment can we encourage increased economic growth and a return to a balanced budget. The Administration looks forward to working with the Congress to ensure that its priorities are met within that overall total.

Additional Administration views regarding the Committee's version of the bill are:

#### SCHOOL CHOICE INCENTIVE FUND

The Administration is pleased the Committee bill includes \$13 million for the President's School Choice Incentive Fund initiative. This innovative reform will increase the capacity of the District to provide parents—particularly low-income parents—with more options for obtaining a quality education for their children who are trapped in low-performing schools. The Administration appreciates the Committee's support for strengthening the District's school system and strongly urges the Senate to retain this initiative.

#### FEDERAL FUNDING FOR DC

The Administration applauds the Committee for fully funding the President's request for \$17 million for District resident tuition support, as well as \$15 million for emergency planning and security costs in the District.

#### ATTORNEY'S FEES UNDER THE INDIVIDUALS WITH DISABILITIES EDUCATION ACT (IDEA)

The Administration is pleased that the Committee has retained the provision that caps the award of plaintiff's fees in cases brought against the District of Columbia Public Schools (DCPS) under IDEA. The Administration strongly supports the education of children with disabilities according to the principles embodied in IDEA, and it is in the best interest of the District's children if DCPS uses its limited resources to improve its special education programs rather than pay excessive attorneys' fees.

#### LOCAL BUDGET AUTONOMY

The Administration continues to support local budget autonomy, which would free the District's local funds from any delay in the appropriations process past the beginning of the fiscal year. We appreciate Congress' consideration of this proposal and recognize Congress would continue to ensure responsible use of Federal and local funds through the enactment of the District's annual appropriations bill.

#### OTHER ISSUES

The Administration is disappointed that the Senate version of the bill modifies current law with respect to allowing local funds to be used for needle exchange.

The Administration is concerned with the number of unrequested earmarks contained in the Committee bill, including \$20 million provided to the District of Columbia Chief Financial Officer for a variety of unspecified projects.

Ms. LANDRIEU. I would like to start with the Landrieu-Carper amendment that we will offer at some time, and describe again why it is puzzling that we are having difficulty with the administration and the voucher proponents coming to some agreement. I am going to read the simple text, and without any rhetoric or signs or charts or anything, I am going to read the text of it because it is quite simple. I want the people who are listening—and, of course, there is a lot of interest in this—to understand what basically has been rejected.

Before I do that, I will give a very brief history of how we got here because it will help to set this debate.

Three years ago we were in what I would call a quandary in public education in the Nation. That quandary was this: Our schools were improving but not fast enough. We had a lot of kids who needed help. We really had to do something.

There were a group of people who wanted to give up on public schools and go to vouchers and say we can't, we tried, nothing is working, let's go to vouchers. There was a group of people who said no, what we need is just more money, the same thing, pump the money in and more resources will do it.

Both proposals were rejected. They were rejected by a broad-based coalition of Democrats and Republicans who rejected both. We said no to vouchers which will undermine public schools; no, vouchers will not work. And, no, just dumping more money in the system, as much needed as the money is, just dumping money is not going to help.

We found a third way called Leave No Child Behind which the President himself led. Many of us were proud to work with him to do that. We crossed party lines. Republicans went to the Democratic side. Democrats went to the Republican side. There were great coalitions forged to get that done.

Here we are not even 2 years into Leave No Child Behind and there are still grumblings on both sides. You can understand why. The money we promised isn't forthcoming. So people have a legitimate argument. They say: We haven't received the money. I understand. I keep saying: Let us go forth.

I know people want vouchers. No matter what we do, they want vouchers. They want them yesterday, today, and tomorrow. That is just what they want.

Here we are with Leave No Child Behind. One would think if the administration wanted to prove something, they would try to prove it anywhere in the country—the District, New Orleans, Louisiana, Ohio—that Leave No Child Behind could work.

There is some confusion. From my point of view, I think what would come out of the President's proposal is something like this: I am sorry. We are short of money. I am sorry. We can't fund everything that we thought we could fund, but let me just give enough money to the District of Columbia, which is a city and a symbol, and let me fully fund Leave No Child Behind. Let me double the amount for charter schools. Let me push contracts for public schools. Let me increase tutorial services. Let me have afterschool and let us implement early childhood education.

As a person who helped write the bill that laid those principles down, that is what I would fully expect. I would have stood shoulder to shoulder with him, and I would have said with the Mayor's help, with the Congresswoman's help,

with the Republicans' help and the Democrats' help, let us show the country what we meant when we passed the bill. They don't believe it. Neither sides believes it. So let us show them what we meant. Instead, we get the same old, tired, worn out, inadequate vouchers—vouchers, vouchers.

Mr. CARPER, the Senator from Delaware, and I, and others who worked very closely, think we are not hearing correctly. We think this couldn't possibly be. So we tried. The chairman could not have been more gracious. We tried. We think maybe it is something we don't understand. So we tried to talk. The talks aren't going very well.

So we think: Let us just put it down in an amendment form and see maybe if we are missing something. This is our amendment. I will read for the RECORD what the gist of the amendment is because it is very simple. Tomorrow I will have this blown up so when I speak on it next week people can see what it is.

This is what we said. Even though you don't want to fund title I in the District, you don't want to double the amount of charter schools, you don't want to have private contracts which the law allows, you don't want to increase tutorial services, you don't want to have afterschool, you don't want to have early childhood, we will just take what the administration thinks—or what the voucher proponents think—and we will just go back to see if we can make vouchers work.

We say: OK. We will do a couple of things. If you will agree that the same children will take the same test because the administration was very strong on tests—they wanted the same test—that took a little work but we finally got the same test.

Then they said last year that it is very important for teachers in public schools to have a college education. That was a big deal. We said, yes, at a minimum. They can have alternative certifications but you have to have a college education. Let us have a college education for teachers who would be teaching students using public money to go to private schools. That has been agreed to.

Because one of the problems with this debate is that nobody has the research to tell whether it really works or not—we agree with that—we said, let us have a very rigorous evaluation so that after 5 years we would know for sure, I mean for positive.

Let me speak for a minute about this. The Milwaukee program has been going on for 13 years. There are 11,000 children in vouchers and there are 89,000 children who aren't in vouchers. The Senators from that State can talk more about the details than I can. But what I do know about it is many studies have been conducted, and there is still no definitive data that I have been able to find—that anybody has been able to find—about whether those children are doing better academically. There is some evidence to suggest that

some parents are happier and more satisfied. I acknowledge that. That is very good.

I remind this body that we did not start down this road to make parents happy. That is not what the President said. We want parents to be satisfied. We want parents to be satisfied, but that is not the goal. It is desirable. But the goal is a quality education with public accountability because public dollars are being spent. We don't know after 13 years.

We said: OK. Let us have an evaluation component. The evaluation component in this bill, to date, is inadequate to, even after 5 years, give us those answers, and we think that is a real problem.

This is the most important. All of these are important, but this is really the telling portion of why I think we are at a real standstill and a crossroads.

We said in our amendment that you say you want to limit this or you want to help children who are in a trap. That is what this says. I want to read it again. This is the administration's policy. This is for children who are trapped in low-performing schools, which would mean trapped in failing schools. That is what we can do in Leave No Child Behind. We said no more of this. You have to be good. If you are not good and you are a failing school, you need improvement or you have to close and be reconstituted. We said let us limit it to children in failing schools. That is part of our amendment.

The word back so far is, no, I am sorry we can't limit this to children in failing schools because we want this to be available to children in all schools.

The sixth provision that we asked is to make sure all the civil rights laws which are required in Leave No Child Behind are adhered to. The other side said that wouldn't be a problem. We assumed that would be fine. But it is not in this bill.

The other part of our amendment says make sure the scholarship itself—whether it is \$7,500 or \$3,500 or \$1,000—is sufficient to actually get a child by lottery from a failing school into another school. The school can't discriminate. The child gets to go. But that language was rejected.

I don't know what the other side is thinking. If a school costs \$15,000 and the voucher is only worth \$7,500, we can't figure out how that child gets to the school if their voucher is only worth \$7,500. We wanted to make sure that the voucher would be received as payment in full so a parent couldn't be told: We would love to take your child into the school but your voucher is only worth \$7,500 and we need \$15,000. I am sorry. Our private scholarship fund is out of money. We would love to help you, Ms. Jones. We really know that your two sons would do great in our school. We would love to give them vouchers. You can either have a bake sale or raise money from your neigh-

bors or go into your savings account, but we can't put up the other \$7,500.

Senator CARPER and I thought it would be reasonable to say the voucher—no matter where you get the money—has to get the kid in the school.

The seventh thing we asked was—because this White House, when we were debating Leave No Child Behind, insisted on yearly progress reports for children in public schools—we would like to craft a way to make sure these 2,000 slots available that we are talking about, where they take the same test that has been agreed to—we would have these yearly progress reports as defined by Leave No Child Behind. The same reports, no difference. No, I am sorry, we can't do that. We cannot have yearly progress reports. So, again, accountability is out the window.

And finally, our amendment said, OK, we do not believe this should be a Federal mandate. We are being told by the voucher opponents, that the city wants this; it is the choice of the city. I said, fine, remove the language that makes the money contingent because in committee I asked the Senator handling the bill if he could just state for the record: Does Mayor Williams have a choice? In other words, in order to get any money, does he have to take the voucher money? To get any money, does he have to take vouchers? The answer was yes.

I and others strongly opposed forcing any city, anywhere, at any time, being held hostage by voucher opponents that would say: We are happy to give you \$40 million; we are glad to give you \$20 million; we are glad to give you \$8 million; but you have to institute a voucher program. And not just vouchers for children in failing schools, but you must have a voucher program for children in all schools.

That proposal will not pass with much Democratic support, let me assure Members.

This has been rejected today. Maybe cooler heads will prevail. The Senator from Delaware and I are still open to discussion. Why? I would stay here all night, all next week, all next month, all next year. My children are home; I would like to get home. His children are home. But that is how important this education reform is for this country. It was a hard fought victory and a wonderful victory and a powerful victory.

The ink is not even dry and we are talking about undoing it, unraveling it, undermining it. I don't understand it.

Senator CARPER will talk, and then I will finish with a few more comments about our amendment. I would like Senator CARPER to explain from his perspective what our amendment hoped or sought to do.

Mr. CARPER. I thank the Senator from Louisiana for yielding. Before I was elected, I served as Governor of Delaware for 8 years, following Mike Castle, who launched near the end of his second term education reform.

What we began in his last term and I tried to do in the 8 years I was privileged to serve as Governor was to focus more on raising student achievement than on anything else. We were willing to experiment rather boldly to try to accomplish that. We established rigorous academic standards, not standards in math, science, English, and social studies that the politicians thought were important, but we gathered the best teachers in the State, the best scientists, to develop academic standards of what we expected kids to know at different grade levels in their academic careers.

We wanted to test students objectively, measure whether they were making academic progress to the standards. We wanted to be objective.

And, finally, we wanted to make sure we held everyone accountable—students, schools, school districts, even the educators. Trying to hold parents accountable would be the hardest part of all.

During the course of those reforms, we sought to identify what was working to raise student achievement. Did smaller class sizes work? If so, the idea was to replicate that and do that in other schools. We eventually found that smaller class sizes in kindergarten and classes for age 7 had the most impact.

We learned investment in early childhood paid huge dividends and concluded that in the first 6 years of our life, by the time we are age 6 and in first grade, we have learned about half of what we are going to learn in our lives. If we waste the first 6 years, it is hard to catch up later on.

We learned that if we can harness technology, we can help equalize the playing field for a whole lot of kids. We learned that it is not just enough to hook up classrooms to the Internet. It is not enough to have even decent computers. If you do not have teachers comfortable in using the technology to bring the outside world into the classroom and making the learning come alive and using it effectively as a tool, the money for all the wiring and the computers is money that is not well spent. Teachers have the professional development and the familiarity of using this technology lining up with the curriculum, the lesson plan, and making the learning come alive.

We learned in the course of our experiments in Delaware that all kids can learn. Some learn more quickly than others. Mary might learn faster than Tom, but Tom could learn. He just might need extra time or be taught in different ways. We learned maybe longer school days are helpful for doing that, afterschool programs, and maybe summer schools. We have schools, for example, for kids who are entering ninth grade. We can bring those kids in for a month or so in the summer before they go into ninth grade, put them in a summer academy, and they have a better chance of helping the kids to meet the standards they need in ninth grade.

We did all this in an effort to try to learn what worked to raise student achievement. We did so because we wanted to be able to invest the limited dollars that we had in programs that would raise student achievement. Of all the things we did in my State during the time that I served as its Governor, preparing the workforce for the 21st century was most important. If we are going to be successful as a nation, it will be because we prepare and create a workforce that is able to beat any workforce in the world.

What does that have to do with what we are talking about? The schools in the District of Columbia are not doing the job for many of the kids who live there. The public schools in this District are not doing the job for many of the kids who live there. And a good deal is being done to try to turn that around. This District has begun to experiment rather boldly with charter schools, some of the things I talked about earlier—extra learning time, technology, and professional development—in order to raise student achievement. They have a long way to go.

As we dealt with the issue and tackled the issue of leaving no child behind in a failing school, we did not say that the Federal Government would go out there and establish academic standards. We said, we will let the States establish their own academic standards. Let them figure it out and know what they should be doing. We said the same thing about the District of Columbia. They develop their academic standards in the District of Columbia. We do not do that.

No Child Left Behind also says we expect kids to make progress every year. We expect all kids can learn, and over a period of a decade or so we expect virtually all children to be able to reach the academic standards, whether it is the District of Columbia, Delaware, Ohio, Louisiana, or Alabama. Of the public schools in the District of Columbia, or Minnesota or Delaware, under No Child Left Behind, if a school does not meet adequate yearly progress for 1 year, that school is essentially put on notice that they are deficient.

If they continue to not meet the adequate yearly progress for a second or a third year, there are consequences for the failure to do so. By the fourth year, if a public school—4 years in a row, in any of our States or in the District of Columbia—fails to meet adequate yearly progress, there are consequences that can be rather severe. The school can be closed and restructured, the faculty changed, leadership changed. The school can be transformed into a charter school. Public school choice can be demanded, required, including the funding of transportation to other public schools. But the consequences are severe.

If a charter school in Minnesota, where I think charter schools may have originated, or in any of the other States that are represented here is de-

ficient, and the students there—for 1 year or 2 years or 3 years or 4 years—do not demonstrate adequate yearly progress, or those schools do not show progress year after year, then there are consequences as well. There is also help. We try to provide extra help: extra money, tutorial assistance, that kind of thing. But in the end, if there is not progress, we do not want to continue to throw good money after bad.

I want to talk about an area we got hung up on, and it is a little complicated; but I want to take a minute to talk about it anyway. I said earlier, if you have kids in public schools in this District of Columbia who are not making adequate yearly progress, there are consequences for those schools. There are efforts to help them, but there are also consequences.

For charter schools here, if kids are not making progress, if you continue year after year to fall short, there are consequences for that school, and in the end fairly severe ones. If instead of taking this \$13 million and distributing it in vouchers to send the kids to, let's say, 80 different schools—instead of doing that, with maybe 25 kids to a school—instead, we are going to take that \$13 million and fund one new school for 2,000 kids, and maybe have 80 classrooms, with 25 kids in a classroom, if we use the \$13 million in that way, we would expect that school and those students under No Child Left Behind to make progress and to make adequate yearly progress. And if they did not, under No Child Left Behind, that school would get help. And eventually, if they continue to fail, they would face dire consequences.

Stick with me on this, if you will. What we propose to do with this voucher demonstration is to take \$13 million, and instead of creating one school with 80 classrooms, we might take the \$13 million and give it to kids who will go to 80 different private schools somewhere here in the District; and it might be roughly 25 kids in each of those schools, but they add up to 2,000.

Some will go to schools, and they are going to be tested, and they will do pretty well. Some will go to schools, and they will be tested, under the District's test, and they are not going to do so well; and they may not do so well next year and the year after that and the year after that.

I wish it were possible somehow to take the results of those 2,000 kids who are going to be spread, in this example, in 80 schools across the District to actually bring back, to aggregate, and to see how well they did in making adequate yearly progress. And as it turns out, we could actually do that. We would not have to impose No Child Left Behind on the individual private schools. I would not want to do that. But we can certainly find out how those kids are doing in those private or parochial schools, and see if they are making, collectively, adequate yearly progress.

Earlier this year—I wish I could find the quotation—President Bush was

talking—I think it was maybe in July—about this experiment with vouchers in the District of Columbia.

If you bear with me, I want to see if I can find that quotation. At the very least, I will give you part of it. He said words to this effect: It is the taxpayers' money. We want to know. We want to know in a public school or in a private school whether or not the children are learning.

Bear with me just for one moment. The quote is too good to miss. I will find it, and then I will be able to read it in its entirety. Here is what the President said. And again, this is from July of this year. I am going to read it because I think he has it right. This is absolutely on the money talking about his vision for a DC voucher program. This is what he said:

The same accountability system applies to the recipient school as it does the public schools in Washington. After all, it's taxpayers' money. We want to know. We want to know in a public school or a private school whether or not the children are learning.

I could not have said it better myself.

The negotiations we have had with our friends on the other side—and I just want to say to Senator DEWINE, I said this privately, and I will say it publicly, I very much admire the way he and Senator LANDRIEU work together as the chairman of the subcommittee and as ranking member. I thank them very much for the good faith that I think they and their staff demonstrated in trying to find a middle ground on some of these complex and admittedly difficult issues.

While I believe it is important that the kids who will use these vouchers in this experimental program come out of schools that are failing—not everyone thinks that; I think so—I think it is important that the voucher actually offsets the cost of the tuition fully. Not everyone agrees with that. I certainly think so.

I think the teachers in those private and parochial schools have to meet certain standards or credentialing qualifications. We could probably work through most of that.

We fell apart in our negotiations on three points. One was this idea of: Is there some way we can fairly reasonably make sure we hold those who are using public dollars, Federal dollars—for the first time, I think, for vouchers—can we hold them accountable under No Child Left Behind, and in a way somewhat as we hold charter schools and other public school kids accountable?

I had a conversation with an administration official this afternoon, and I thought it was a telling conversation. She said to me—words to this effect—we can't agree with doing what you and Senator LANDRIEU want because the kids who are coming from these schools, who will be using these vouchers—falling under certain income limits; 185 percent of poverty—they are going to be some of our toughest kids

to help raise student achievement and to demonstrate adequate yearly progress. And there was just a reluctance and a fear they were setting themselves up for failure under this demonstration program.

What the President said is the same accountability system applies to recipient schools as it does to the public schools of Washington, DC.

We have to be smart enough to figure out a way to put that kind of accountability plan in place in a voucher program so that it does not discourage private or parochial schools from joining in this experiment. And if the kids who use those vouchers and go to the public and private schools don't make adequate yearly progress, we should not continue to fund those programs.

One of the great frustrations for me with what we are setting up here, without the kind of provisions Senator LANDRIEU and I are talking about, is we will end up not knowing for sure at the end of the day, and for 5 years, or whatever, whether this actually works to raise student achievement, comparing apples and apples, oranges and oranges, being able to compare those 2,000 kids with another 2,000 kids in charter schools and 2,000 kids in public schools. We will not know absolutely. And we should know.

For people who don't like vouchers, for those who think we should not put a dime in vouchers, they should know after 5 years that it works. And maybe we should consider, as we said, other school districts. By the same token, for those who think vouchers are the best thing since sliced bread, it would be great to have an experiment that demonstrated that at the end of 5 years, maybe it does not work. And other schools around the State, other cities or school districts would say: They tried it in DC. It was a fair experiment, and it didn't work. They could decide to go ahead and have their own experiment and do it themselves. But we need a test and experiment that nobody can question at the end of the day that it wasn't done fairly and squarely on all counts.

I feel disappointed tonight. I really do. I am not angry, but I am disappointed. I have invested some personal time. My staff has. Senator LANDRIEU has invested a whole lot more. I know Senator DEWINE has. I don't feel good about this because we ended up having spent all this time without coming to the kind of consensus I hoped we could. I fear we will pass a bill ultimately that will be flawed, not flawed in the sense of the Senate version, but the House version, because that is a badly flawed voucher proposal. I fear we will pass something that is not what it could be. We will go to conference and what comes out of conference will be a whole lot worse than what is being contemplated here in the Senate.

The last thing I want to say is this: If we had been able to reach agreement that these vouchers would only be used

for some of the 9,400 kids who are today in failing schools in the District, we would have eliminated a real stumbling block going forward. If we had been able to work out with smart people in the administration, smart people who work around here, a way to make sure that the same accountability or some comparable accountability system that we used under No Child Left Behind for charter schools and public schools—that we can apply that in the way I described earlier for these 2,000 kids—if we can do that, we have eliminated a major stumbling block.

Senator LANDRIEU and I are reluctant, though, even if we passed a measure that had those provisions in it and the other principle she has talked about already, to go to conference even with a good bill without the assurance that what is going to come out of conference will be consistent with those principles. I would feel pretty foolish if we struck a good agreement, a sound agreement that we felt proud of, and went to conference and ended up with something else that was a horse of a different color.

We are not going to come to agreement, I am afraid, on those two major principles that we talked about here tonight, if our friends on the other side can't give us an assurance that even if we were, those principles would survive the conference. I understand that is a difficult thing to do. Having said that, I must say that that understanding doesn't diminish at all my disappointment that we have fallen short.

I yield back.

Ms. LANDRIEU. Mr. President, I thank the Senator from Delaware who, as usual, has described beautifully his position and the position which several of us on this side, who are cosponsors of the No Child Left Behind Act, believe in strongly. I would like to add to what he said briefly by referring to what President Bush, 2 years ago in August, as we were preparing for this debate, wisely said:

Accountability is an exercise in hope. When we raise student standards, children raise their academic sights. When children are regularly tested, teachers know where and how to improve. When scores are known to parents, parents are empowered to push for change. When accountability for our schools is real, the results for our children are real.

This would be part of the Landrieu-Carper amendment that was, in essence, rejected. So it becomes a question, Is it just accountability for taxpayer money when it comes to public schools but not taxpayer money when it goes to private schools? Again, let me say, if we started out on this course with a goal, the only goal being parental satisfaction, we should never have started, because no amount of money in the Treasury will ever make every parent in America happy. It would be a false, foolish journey to that end.

That wasn't why we started. We started to say the public money, if spent and managed correctly, could provide a very good education meas-

ured by academic performance. And along the way, if we could increase parental satisfaction and taxpayer confidence, that would be the best we could hope for. Yet proponents want to twist that debate, forget the accountability piece, and just keep saying: If parents are happy, we have accomplished our goal. That is not our goal. We want parents to be satisfied, but that is not our goal.

Accountability is an exercise in hope. When we raise student standards, children raise their academic sights. When children are regularly tested, teachers know how to improve. When scores are known to parents, parents are empowered to push for change. When accountability for our schools is real, the results for our children are real and the taxpayers get their money's worth. That is what this issue is about.

I will close, because my chairman has been very gracious, with a quote from another President, John Kennedy, on a similar subject.

I thank, again, my chairman, who has been more than gracious in terms of the time on this, and his staff. The two of us can come to a lot of agreements. It is just other Members, other interests. So we will soldier on. But I just want him to know that he continues to have my greatest respect as we work through this very important debate.

Let me close with a quote from a former President on another equally urgent matter to sort of capture my disappointment. I am not angry, but I am disappointed. President Kennedy, many years ago when our Nation was faced with being left behind in the space race, as we are challenged today being left behind in public education, to marshal the forces necessary to achieve the goal at that time, which was to win the race to space and put a man on the Moon, said:

We possess all the resources and all the talents necessary. But the facts of the matter are that we have never made the national decisions or marshaled the national resources for such leadership. We have never specified long-range goals on an urgent time schedule, or managed our resources and our time so as to ensure their fulfillment. . . .

Let it be clear that I am asking the Congress and the country to accept a firm commitment to a new course of action—a course which will last for many years and carry very heavy costs . . . [but] if we were to only go halfway, or reduce our sights in the face of difficulty, it would be better not to go at all.

He was right. We didn't go halfway; we didn't go part of the way. We didn't go for 2 years and then say I am sorry, we made a mistake, let's go to another proposal. We stayed the course and, because of that, less than 8 years later, we landed a man on the moon. In June in 1969, 8 years and 1 month after the speech, Neil Armstrong and Buzz Aldrin landed on the moon and Neil Armstrong said, "One small step for America, one giant leap for mankind."

Mr. President, I will tell you as firmly—as I represent the people of my State—and as strongly as I can express

it, if we would stay the course, we would meet the goal. If we would marshal the resources, we would meet the goal. But this debate, getting us off course, going in a different direction, undermining what we are doing and underfunding what we are doing, will never get us there. That is what this debate is about.

I thank the chairman for allowing us to talk tonight. We will proceed with this debate over the course of the next week until we can come to some agreement as to how to proceed.

I yield back my time, and I thank the Senator from Ohio.

Mr. DEWINE. Mr. President, again, I thank the ranking member, Senator LANDRIEU, for her good comments and, more importantly, I thank her for her good work on this bill.

There is a lot more to this bill, frankly, than just the scholarship portion of the bill. You would not know that by the debate, but there is an awful lot in this bill on which we all agree. Frankly, there is a lot on the education part we agree on as well.

I thank my colleague from Delaware for his good statement. They have both contributed a lot to the debate tonight. I appreciate their good faith and their commitment to the children and their good comments.

I want to take a moment before my friend from Alabama speaks, who has been on the floor for some time, to, at least from my perspective, explain where I think these negotiations are and what happened with them. I am afraid my perspective is a bit different than what my colleague said, but I hope not too different. We negotiated in regard to the topics my colleagues have just discussed for 2 or 3 days. These were negotiations that went on at the staff level, but they also went on at the Member level. All three of us were directly involved. We spent all day yesterday involved in negotiations.

Quite frankly, the issues they have raised on the floor, I felt, and continue to feel, are very legitimate issues. These are not trivial issues; these are important issues. I felt and still feel at this moment—I guess I am an eternal optimist—that these issues could be resolved on a policy basis among the three of us. I still feel they can be resolved. The negotiations, candidly, broke down, as my colleague from Delaware said, when my two colleagues on the other side of the aisle came to me and said there is one condition you have to meet that is not negotiable, and that condition is you have to guarantee these items will come out of conference. That is one thing as chairman of the subcommittee I cannot guarantee. I can guarantee I will fight for them in conference. I can guarantee I will represent the Senate position and that I will do everything I can to get as much of what we agree on through the conference; but what I am not in a position to do is to give any kind of iron-clad guarantees to my colleagues—as much as I would like to—that every

single thing we would agree to, every single sentence, paragraph, word, comma, will come out of the conference committee with the other body. That just cannot be done. I am not in a position to do that and to tell them that in good faith. I suppose I can tell them that and it would not happen, but I am not going to do that. So that is when the negotiations broke off.

I want the other Members of the Senate, both on my side of the aisle and the other side of the aisle, to understand that that is when the negotiations broke off. If that is the condition of making an agreement on this amendment we all could agree on, and that we can get this bill passed, then that is not going to happen.

Now if it is trying to work out all the very legitimate issues my colleagues have just raised, then we can continue these negotiations. I am an eternal optimist, and I think we can work these out. I have told both of my colleagues that. I don't think we are that far apart. These are legitimate issues, and we can work them out.

I see my colleague on her feet. I will not yield the floor, but I will yield for a question.

Ms. LANDRIEU. Mr. President, did the Senator know—and I fully appreciate his position and I most certainly understand that even as the powerful chairman he is, he is not able, of course, to make those confirmations. I also know there are powers that can make such arrangements, and the chairman is well aware of that. So we offer this amendment in good faith, recognizing that if there truly is a view or a desire to create a real, accountable pilot for children in failing schools in the District of Columbia that would show definitively whether it works or not in 5 years, that meets the parameters of Leave No Child Behind, that could be something that could be reached. That is what my intention would be. That is not the position of every single member of the Democratic caucus. So as ranking member, I will also represent their position. But at this point, we don't see the possibility of that. I thank the chairman. I understand his position.

We look forward to continuing to lay down amendments that will try to improve and perfect this proposal, or eventually to strike the language and try to move on a bill without any reference to the voucher proposal.

Mr. DEWINE. I appreciate my colleague's comments. Let me take a moment to state where I think this bill is. My colleagues have talked about some of the improvements they would like to make in the bill. I was given a list here. We don't have an amendment before us. At this point we don't have an amendment, but I think they are going to present one at some point. So we don't have all the language to go through, but we have talking points or some power points to look at. I will go through a couple of these points.

The first point is that eligible participating students must take the same

tests as kids in public schools. That was met and that is now part of the bill, as amended by Senator FEINSTEIN's amendment. So we appreciate that contribution that now is a part of the bill as amended by Senator FEINSTEIN, which the Senate just adopted about an hour ago.

The second provision talks about eligible participating students are taught by a teacher who holds a college degree. That part of No. 2 is now in there as far as Senator FEINSTEIN had that in the amendment.

No. 3 requires a full and independent evaluation for the scholarship program. The Feinstein amendment that was passed by voice vote by this body about an hour ago does require a full, independent evaluation.

I say to my colleague, the ranking member of the subcommittee, Ms. LANDRIEU, that we are more than happy to incorporate the Senator's specific evaluation concerns that she has outlined and to work with her on additional language as far as incorporating that into the bill.

Her fourth point, scholarships are limited to students attending failing schools, the bill's language provides priority for students who are in failing schools. They are going to be the ones who get the priority. I point out to my colleagues that they are going to be the ones who are going to be first in line. So that is the state of play. That is where we are.

Let me make a couple of other additional points before I turn to my colleague from Alabama. One is, my colleague asked, what is the administration's position? Reference was made to the fact that in their letter the administration did not say they were for this three-pronged approach.

My colleague will be getting a letter from the administration outlining that, yes, they very definitely are for this three-pronged approach. They are for it. They are 100 percent behind it. They back it, and there will be a letter coming to her shortly and to this Senate outlining the administration's support of the three-pronged approach.

Earlier today we talked about the fact—I think it is significant—that it was the Mayor and the Mayor's team who originally decided and came to the Senate and the House and said: This is what we want; we want this three-pronged approach. We want the additional money, this add-on money, for the public schools.

We need to keep in mind that it has been this Mayor who has sought out additional money for the last several years for the public schools in the District of Columbia. So this is consistent with what he has done in the past. He sought this additional \$13 million. It is consistent with what he has done when he has asked for additional money for the charter schools. So in this bill we have an additional \$13 million for the charter schools, again what the Mayor requested.

The third prong, of course, is the \$13 million for the scholarships. So it is

the program of the Mayor of the District of Columbia. It is a very balanced approach, new money, not taking any money away from the public schools but, in fact, doing just the opposite, new money for the public schools, new money for the charter schools, and new money for this new scholarship program. I think it is very important for us to keep this in mind.

My colleagues who are concerned about this bill have talked about No Child Left Behind. My esteemed colleague from Louisiana has talked about this and has inferred that this is not really consistent with No Child Left Behind. It strikes me, with all due respect, that this is so consistent with our program of No Child Left Behind, because if there is anyplace in this great country of ours where children have been left behind, it is the District of Columbia. Through no fault of their own, the children of the District of Columbia have truly been left behind.

What a great tragedy it is, when people come to the District of Columbia, they come to our Nation's Capital and they see the great monuments, they see this great building, they see the great White House, they see this body, and yet if they truly understand what is going on here, they understand that there are children who are not getting the education they deserve. They are not getting the education other children across this country are getting.

With this bill and with this very balanced approach, we are taking a step towards giving the parents of these children more choices and giving more opportunity to these children. I truly believe this is consistent with our idea that there should be no child in this country left behind.

I yield the floor.

The PRESIDING OFFICER. The Senator from Alabama.

Mr. SESSIONS. Mr. President, I thank the Senator from Ohio for his leadership and hard work on this issue and the Senator from Louisiana who, I know, has also worked hard.

Education is a very important thing in this country. The title of the original education program proposed by President Bush, No Child Left Behind, is a powerful phrase. As the Senator from Ohio explained, this nation does not need to allow children to fall behind. We need to know what is going on. We need to find out how they are doing.

President Bush has proposed, and this Congress has passed, larger increases in funding for education in the last three years than we saw in the previous eight. We have had a tremendous increase in education funding from the Federal Government, but the problem was, and the challenge and the important impact of No Child Left Behind is, that we are not just going to put money into systems that are not operating effectively and efficiently; systems that are allowing children to fall behind.

Parents wake up, and their child is in the ninth or tenth grade and cannot do

basic reading or basic math. They drop out of school, become a discipline problem, and the child's life is not what it ought to be. They will not reach the full potential that they ought to reach.

My wife taught four years, and I taught one year in public schools. We care about education. Good friends of mine, as well as people we associate with, are full-time teachers and we try to keep up with education. We were active, particularly my wife, in our children's education. We talked about how things were going at the school. We wanted to know.

My two daughters graduated from a large inner-city high school, racially fifty-fifty, in Mobile, Alabama. They have done very well. They loved that high school, and it was very important to them. They are still loyal to Murphy High School.

This is a defining issue. That is why it has received so much attention. The Senator from Ohio is exactly correct, there are a lot of good things in this bill other than just the scholarship portion. However, it is a big deal. What we are saying is that we care about children more than we care about bureaucracies, laws and regulations that do not work. We are saying that what life gives in the form of education to children is important.

Make no mistake about it, this is about power. A middle-income child or a poor-income child in this city is in a certain school district. They cannot do anything with that. Maybe their parents bought a house there 10 years ago. Maybe they can't afford to sell it. Maybe the price has gone down. Or whatever—they are in that district. Then they are assigned to a certain school. If that school does not perform, what happens? They go to the school board, and they say sorry, that is your district.

The parent says: I don't like this school.

It doesn't make any difference. Doesn't make any difference to us. You don't like this school? By law you must go to this school. They are sent there by order of the State or the city or the school system, and they have no choice in the matter.

Some schools in this very District, and some schools all over the country, are not working. Some of them are not safe. Some of them are not effective or efficient. Some of them are not producing the quality of education they could produce. The children who are sent to those schools are sentenced to a situation that makes it far more difficult for them to achieve success in their educational life than they would any other way. It is a big deal.

What happens when Senators and Congressmen are in that situation? They just decide to move out to the Maryland or Virginia suburbs and buy a \$300,000 or \$500,000 house and they put their kids in a school they like. Vice President Gore sent his kids over to St. Albans. That probably costs as much or more than the University of Alabama

for a year. That is what they do because they can do those things.

But what happens to average Americans who cannot do that? They are stuck where the State sends them.

Dr. Paige, our Secretary of Education, himself a teacher of education and a former superintendent of the Houston school system, reformed that school system dramatically. Do you know what he said about it? He said: When I was there and we were losing students to private schools, my view was I cared about the kids. If they could get a better education in a private school, so be it. I hope they can go there. It doesn't hurt me. My job is to make this system work so they can be educated here. He said: With the money we have from the Government and advantages we have, there is no way we ought not to be able to compete with the private school system.

He said we lost kids, but he took firm control of discipline. He took firm control of the mismanagement. He took firm control by testing, and he made sure test scores were going up. He said in 5 years we were gaining kids back from private schools. They were happy to be in our school system. Not that it was a huge number one way or the other, but people did choose in that fashion.

But the average working American does not have those choices. It is just not financially possible for them. The wealthy can do it but not the poor. They are stuck. So this is what it is all about. You have the Mayor of this city, the leader of the school board of this city, and they care about children, too. They love the children; they want to see them succeed. When they have concluded that this program would help the children, why are we so upset about it? Why are we so determined and frustrated about it? Why do we get frustrated about it? I ask that question.

I think there is a resistance to change here. It has been said that they have totally eliminated religion from public schools. But within the establishment of the public schools, I would say that is not true, really. There is at least some religion left. There is one law that goes beyond logic to the point I would say of religion, and that is: Thou shalt not spend one dollar on schools that doesn't go through a system that the American Education Association doesn't have something to do with.

It is our money, they think. It has to be spent on our schools. Not one dime can be allowed to be spent by a child who might want to have an alternative or choice in their education. Frankly, I think we do not need to be that uptight about it.

The way this thing came up, we talked about it in the Senate and there was an effort in the No Child Left Behind bill to allow all the States to have scholarship programs. That did not go into the bill. It just was a fight we were not prepared to make at the time.

There was not agreement or consensus on it. But this is not a State. It

is the Federal District of Columbia. It is part of the Federal Government. It is an area that we do not have a separation of Federal and State governments, where there is not a State's rights question about these matters. It is a matter within our jurisdiction, No. 1.

No. 2, the Mayor and the school board president want it. They asked us for it.

The people want it. They have children lined up to get into this program. I love educators, and I love and appreciate education. I believe the public schools do a terrific job for the most part in America. I have been pleased with the public schools my children have attended. But if they were not getting a good education there, one that was sufficient, I would have done what I could to make sure they got a good education. I think most Americans would. But for the poor, they don't have that option. They can't send their children to St. Albans. They can't send their kids to some other school if they are not happy, and I think we need to deal with that.

I salute the chairman, Senator DEWINE. I suggest the Feinstein amendment does many of the things that Senator LANDRIEU wants to do. I could support that, and I am comfortable with the Feinstein amendment. But if we are going to come up with an amendment that makes it so difficult for the schools in this area who have agreed to take children at a discount of 40 percent or more from the cost that is being expended for education in the District, that they will not accept them or it creates a bureaucracy—which is one of the things that makes it more difficult for public schools to perform well—if we are going to do that, I am not for it.

I know Senator DEWINE will be wrestling with that and listening to the Senators and their suggestions. But I would note we have a reality and that is there are two bodies, a House and a Senate. The House of Representatives deserves equal sway in these matters. That shouldn't change just because a few Senators believe something is important—I believe a lot of things are important and I have not been able to have them come out exactly as I want.

I think the Feinstein amendment does what Senator LANDRIEU wants. We have not seen the exact wording of Senator LANDRIEU's amendment, so I guess we will have to look at it to know. This body needs to act in the best interests of the schoolchildren of the District of Columbia. We have a Mayor elected to take care of them. We have a school board president who loves our children and wants them to succeed. They have said this program is the way to do it. This is what we need to improve their chances at a better life. I believe it is, too. I see no danger in going forward with it.

If the program turns out to be a failure, so be it. We will end it. I don't know that it will. Frankly, I think it is more likely to be a success than not.

I am glad the Senator from Ohio is leading this effort, and I look forward to working with him.

I yield the floor.

The PRESIDING OFFICER. The Senator from Ohio.

Mr. DEWINE. Mr. President, I thank my colleague from Alabama for his very fine statement. I think he is absolutely right. This is a pilot program. But it is a chance we have to take. These are children who need this opportunity. Their parents need this opportunity.

As we have talked about before on the Senate floor, you have the Mayor of this city coming to this Congress and saying: Give me the tools. Give me the tools to help shape the educational system in the District of Columbia. For us to turn our back on the Mayor, to turn our back on children, and the parents, I think would be a very serious mistake.

We have the opportunity to do something very positive. I think we should take that opportunity.

#### MORNING BUSINESS

Mr. DEWINE. Mr. President, I ask unanimous consent that the Senate now proceed to a period of morning business.

The PRESIDING OFFICER. Without objection, it is so ordered.

#### BILLING VETERANS FOR HOSPITAL FOOD

Mr. REID. Mr. President, I take a brief few minutes to say a few words about a situation that I think is a slap in the face to a brave Nevadan but also to thousands of others who wear the uniform of our great Republic.

Bill Murwin is a deputy sheriff in Lyon County, one of 17 Nevada counties. It is a rural county, even though it is becoming more urban all the time with the tremendous growth in Fernley and Silver Springs. Still we think of it as a rural county, a little over 60 miles outside of Reno.

In addition to Bill being deputy sheriff, he is also a staff sergeant in the Marine Corps Reserve. When his country called, he left his family and went to fight in Iraq. He was wounded a few months ago when a grenade exploded in a vehicle in which he was riding. He was treated at a military hospital in Germany and then because of the seriousness of his injury he spent 4 weeks at Bethesda. I am sorry to say this, but at Bethesda Naval Hospital he had to have part of his left foot amputated.

Obviously, we owe a debt of gratitude to Sergeant Murwin, just as we owe a debt of gratitude to all those who bravely fought for our freedom over the years, particularly in the sands and cities of Iraq.

Instead of gratitude—it is hard to comprehend—Bill Murwin got a bill from the Government in the amount of \$243. Three days later he got a second bill, along with a threat that his ac-

count would be turned over to a collection agency if he did not pay up immediately.

For what did he owe this large sum of \$243? I say that somewhat facetiously, but to him \$243 was a large amount of money. It was for the food he ate when he was having his foot amputated. It seems that military personnel who do not eat in a messhall, including those who have families, receive a monthly allowance for their food. But when our troops are wounded, they eat in a hospital, they are billed by the Government \$8.10 a day for their hospital meals.

I found out what happened to Sergeant Murwin when a coworker sent an e-mail to my office. I was disillusioned, disappointed, and somewhat upset to learn we have a policy and it has been in place for 22 years.

Our troops in combat who are eating field chow are already allowed to keep their food allowance. Certainly, the same policy should apply to those who are in a hospital recovering from the injuries they received in the field.

When a soldier is wounded in combat, we should not add insult to injury by making him pay for his hospital food. I am proud of Sergeant Murwin for coming forward to shed light on this mistaken policy.

Today, he told a member of my staff:

This isn't about me. There are guys in the hospital who are 18 or 19 years old and have been there for three months or longer. . . . Some of them are expecting bills of \$1,000 or more. They [are] really fretting those bills.

I think it is a national disgrace that anyone in this country has to worry about decent health care—and 44 million people have to worry about decent health care. But, really, when a soldier who is wounded in combat lies in a hospital bed worrying about a bill from his own Government for the food he is eating in the hospital, that is a little too much.

I also acknowledge my friend, the Congressman from Florida, Representative YOUNG. When he heard about this, he sent a bill to the Government to repay this bill for Sergeant Murwin. So I publicly acknowledge and appreciate what I read in the paper that my friend, Congressman YOUNG, had done.

I am proud to cosponsor Senator GRAHAM's bill that would correct this ridiculous policy. I salute, as I said, Congressman YOUNG for introducing a similar bill in the House and for paying the bill, literally, of my constituent.

I hope every Member of both Chambers will act quickly to correct this outrage. And it is an outrage.

#### TRIBUTE TO GREG MADDUX

Mr. REID. Mr. President, I rise today to salute a great Nevadan, a great human being and a great athlete, my friend, Greg Maddux.

Mr. Maddux pitches for the Atlanta Braves baseball club. Since he went to Atlanta almost 11 years ago, the